IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 4968 OF 2005

Delta (Worldwide) Maschinen
Fabriks Pvt. Ltd. ... Petitioner

Versus

State of Maharashtra and Ors. Respondents

Dr. V.K. Chowdhary for Petitioner.
Mr. G.S. Godbole for Respondent Nos. 2 and 3.
Mr. C.R. Sonawane, A.G.P. for Respondent No. 1.

CORAM : F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATED : 26TH SEPTEMBER, 2005

P.C.

. Rule. Heard forthwith.

. The learned Single Judge of this court by his order dated 29.3.2005 in Writ Petition No. 1953 of 2005 has refused to interfere in the auction sale as the Petitioner therein who is Petitioner herein would have a right to file his objections to the sale before the Deputy Registrar, Cooperative Societies.

. The grievance of the Petitioner is that till date no notice has been served upon him and as such he is not able to file any objections. Considering the above, the following order :

. The sale was conducted by Respondent No. 3 on behalf of Respondent No. 2. The learned counsel

points out that the powers for confirmation of sale have also been conferred on respondent No. 3. If that be so, petitioner to file his objection before Respondent No. 3 within the period of two weeks from today and it is for Respondent No. 3 if he has power to confirm the sale, to hear the objections and dispose of the same according to law. In the event respondent No. 3 has no power to confirm the same then forward the proposal for confirmation of sale along with objections filed by the petitioners herein to the authority competent to confirm the sale and that authority after hearing the parties including the petitioner to dispose of the same according to law.

. Rule made absolute accordingly. No order as to costs.

. It is made clear that we have not disposed of the matter on merits. All questions on merits are left open for consideration by the Officer confirming the sale. All interim orders stand vacated.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)